

**BARRY UBALDI MCPHERSON & FLESHER LLP**

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Attorneys for Defendant BNSF RAILWAY COMPANY  
f/k/a the BURLINGTON NORTHERN SANTA FE  
RAILWAY COMPANY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BRECHT,

**Case No. 2:05-CV-00859-KJM**

Plaintiff,

vs.

**STIPULATION AND ORDER TO ELECT  
REFERRAL OF ACTION TO VOLUNTARY  
DISPUTE RESOLUTION PROGRAM  
(VDRP) PURSUANT TO LOCAL RULE 16-  
271**

BNSF RAILWAY COMPANY, f/k/a THE  
BURLINGTON NORTHERN SANTA  
FE RAILWAY COMPANY, a Delaware  
corporation,

Defendants.

\_\_\_\_\_  
BNSF RAILWAY COMPANY, a  
Delaware corporation,

Third Party Plaintiff,

vs.

HARSCO CORPORATION, a Delaware  
corporation,

Third Party Defendant.

**Date Action Filed:**  
**Trial Date:**

**May 2, 2005**  
**Feb. 5, 2007**

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Fleisher LLP

1 Pursuant to Local Rule 16-271, the parties hereby agree to submit the above-  
2 entitled action to the Voluntary Dispute Resolution Program.

3 The parties further agree that HARSCO CORPORATION need not have a  
4 representative or lead counsel personally present at any alternative dispute resolution  
5 method that the parties engage in. Instead, HARSCO CORPORATION can attend  
6 through local counsel who can contact HARSCO CORPORATION and lead counsel  
7 via telephone if necessary.

8 The parties further agree that every effort will be made to schedule any  
9 alternative dispute resolution method before the close of discovery, and timed so as  
10 not to interfere with the completion of discovery.

11 DATED: April 19, 2006.

12  
13 s/Fred Diamondstone  
14 FRED DIAMONDSTONE,  
Attorney for Plaintiff, MICHAEL BRECHT

15  
16 DATED: April 24, 2006.

17 BARRY UBALDI McPHERSON &  
18 FLESHER LLP

19 By s/Jacob D. Flesher  
20 JACOB D. FLESHER,  
21 Attorneys for Defendant/Third Party  
Plaintiff BNSF RAILWAY COMPANY

22 DATED: April 21, 2006.

23 ECKERT SEAMANS

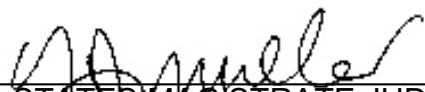
24 By s/Mark E. Gebauer  
25 MARK E. GEBAUER,  
26 Attorneys for Third Party Defendant  
HARSCO CORPORATION

Barry Ubaldi  
McPherson &  
Flesher LLP

**ORDER**

IT IS SO ORDERED. A copy of this order shall be provided to the court's VDRP Administrator, for prompt assignment of a Neutral who is available to convene a VDRP session with the parties before the close of discovery on June 9, 2006.

DATED: April 24, 2006.

  
UNITED STATES MAGISTRATE JUDGE

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